



W.P.(MD)No.19291 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2022

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**  
and  
THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P(MD)No.19291 of 2022  
and  
W.M.P.(MD)No.14075 of 2022

K.Sridevi

... Petitioner

Vs.

- 1.The Reserve Bank of India,  
represented by Deputy Governor,  
Department of Banking Operation &  
Development, Central Office Building,  
Shahid Bhagat Sing Marg, Mumbai-400 001.
- 2.National Housing Bank,  
3<sup>rd</sup> Floor, Indian Habitat Centre,  
Lodhi Road, New Delhi-110 004.
- 3.The Banking Ombudsman,  
Reserve Bank of India,  
Second Floor, Fort Glacis,  
Post Box No.40, Rajaji Salai, Chennai – 600 001.
- 4.Banking Ombudsman,  
(Tamil Nadu Union Territories of  
Pandicherry and Andaman Nichobar Islands),  
Challa Mall, 8<sup>th</sup> Floor,  
11/11A, Sir Theagaraya Road, T.Nagar,  
Chennai – 600 017.
- 5.The District Collector,  
Thoothukudi District, Thoothukudi.



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6.The Chief Judicial Magistrate,  
Thoothukudi, Thoothukudi District.

7.South Indian Bank.  
Represented by its Authorized Officer,  
Madurai Regional Officer, Madurai – 625 016.

8.Veerapathiran

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Crl.M.P.No.611 of 2021, dated 18.05.2022 passed by the sixth respondent and consequential impugned tender cum auction sale notice, dated 12.07.2022 issued by the seventh respondent and to quash the same as illegal and consequently, to direct the seventh respondent to remove the lock and seal of the petitioner's residential house in Sy.No.1621/1A, Meelavittan Village, Tuticorin Taluk, Tuticorin Registration District, Tuticorin Melur Sub Registry, Tuticorin District, Eastern side of plot No.46 in SVPS Nagar having a total area of 4.01 cents by considering the petitioner's representation, dated 14.07.2022.

For Petitioner :Mr.P.Balamurugan

For R2 :Mr.R.Pandivel

For R5 :Mr.N.Satheesh Kumar

Additional Government Pleader

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**ORDER**

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(Order of the Court was made by **S.S.SUNDAR, J.**)

Challenging the order of learned Chief Judicial Magistrate, Thoothukudi in Crl.M.P.No.611 of 2021, dated 18.05.2022 in an application filed under Section 14 of SARFAESI Act filed by the respondent bank and the impugned tender-cum-auction sale notice, dated 12.07.2022, the present Writ Petition is filed.

2.Heard Mr.P.Balamurugan, learned Counsel for the petitioner, Mr.R.Pandivel, learned Counsel, who takes notice on behalf of second respondent and Mr.N.Satheesh Kumar, learned Additional Government Pleader, who takes notice on behalf of fifth respondent. By consent of all parties, the present Writ Petition is taken up for final disposal at admission stage.

3.The petitioner has earlier challenged the notice issued by the sixth respondent under Section 13(8) of SARFAESI Act, 2002 r/w Rule 8(6) of Security Interest (Enforcement) Rules, 2002. This Court dismissed the said Writ Petition with the liberty to the petitioner to challenge the order passed by the learned Chief Judicial Magistrate, Thoothukudi and the sale notice stated to have been issued by the sixth



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respondent.

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4.The learned Counsel for the petitioner admits that the total outstanding amount as on 11.07.2022 is around Rs.22,15,475.27/- and states that the petitioner is prepared to pay 25% of the total outstanding amount within two weeks and seek further indulgence to approach the respondent for One Time Settlement or for other concession.

4.Considering the facts and circumstances of the case, this Court is inclined to dispose of the Writ Petition in the following lines:

(1)The respondent bank shall defer the sale proceedings as per the impugned sale notice or taking possession on condition that the petitioner pays a sum of Rs.4,50,000/- on or before 05.09.2022 and a further sum of Rs.4,50,000/- on or before 30.09.2022..

(2)In case the petitioner fails to pay any one of the instalments, in the manner directed above, it is open to the respondent bank to proceed further in accordance with law ignoring this order.

(3)In case the petitioner deposits the amount as directed above, the petitioner is permitted to submit a representation to the respondent bank either for waiver of penal interest or One Time Settlement or for restructuring the loan and other concession, as may be permissible under the guidelines of Reserve Bank of India or the norms applicable to the



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respondent bank and the respondent bank shall pass appropriate orders in accordance with law.

(4)Till an order is passed on the representation of the petitioner and the same is communicated to the petitioner, the respondent bank shall not initiate any coercive action against the petitioner.

5.With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

**[S.S.S.R., J.]      [S.S.Y., J.]**  
**22.08.2022**

Index : Yes / No

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cmr

To

1.The District Collector,  
Thoothukudi District, Thoothukudi.

2.The Chief Judicial Magistrate,  
Thoothukudi, Thoothukudi District.



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**S.S.SUNDAR, J.**

and

**S.SRIMATHY, J.**

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